IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9289 OF 2007

Pranita @ Hemangi Pratap
Gavaskar .. Petitioner

Versus

Krishna Vasudeo Nadkarni & Anr. .. Respondents

Mr.Khandeparkar i/b. Khandeparkar & Associates for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th December 2007

P.C.

. Heard Mr.Khandeparkar for petitioner and perused the impugned judgement.

2. Insofar as Survey No.96/1/2 the petitioner plaintiff apart from producing the sale deed could not establish her physical possession. The trial court as also the lower appellate court concurrently found that at this prima facie stage in respect of other lands, though the petitioner plaintiff has proved possession insofar as this land is concerned, her physical possession has not been established. Silence on the part of the petitioner plaintiff and the fact that she could not produce any documents to show that the lands were under cultivation by her or that under her authority and control the trees were planted and fruits grown, refusal of the courts below to protect the petitioner insofar as this survey number is concerned, cannot be faulted. Petition dismissed.

(S.C.Dharmadhikari, J)